

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 4/22/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORR MALAVIGA, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	1:24-cv-2019-GHW
	:	
-against-	:	<u>ORDER</u>
	:	
METROPOLITAN COMMERCIAL BANK, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----	X	
GREGORY H. WOODS, United States District Judge:		

Plaintiff commenced this action on March 16, 2024. Dkt. No. 1 (“Complaint”). On April 19, 2024, it was reassigned to the undersigned. Plaintiff alleges that Defendants impersonated federal government officials in order to defraud him. Complaint at 5. The Complaint raises claims under the False Claims Act, (“FCA”), 31 U.S.C. §§ 3729-3733. Venue for such claims is governed by 31 U.S.C. § 3732(a), which provides that an FCA action may be brought “in any judicial district in which the defendant . . . resides, transacts business, or in which any act proscribed by section 3729 occurred.” 31 U.S.C. § 3732(a).

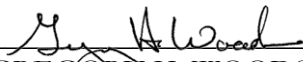
In the Complaint, Plaintiff does not make any factual allegations involving the Southern District of New York. He alleges that he resides in New Jersey. While he names Metropolitan Commercial Bank, a New York resident, as a defendant, he does not allege that Metropolitan Commercial Bank was responsible for the alleged fraud or in any way involved in the events giving rise to his claims. Instead, his factual allegations focus solely on defendants located in Maryland and California. Accordingly, venue does not lie in this district. The interest of justice weighs in favor of transferring the case to the district that encompasses the court identified as the proper venue, this case is hereby transferred under 28 U.S.C. § 1406(a) to the District of New Jersey.

The Clerk of Court is directed to transfer this case to the District of New Jersey without

delay and to mail a copy of this order to Plaintiff. Plaintiff is directed to serve a copy of this order on Defendants and to retain proof of service.

SO ORDERED.

Dated: April 22, 2024
New York, New York



GREGORY H. WOODS
United States District Judge